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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,222	03/24/2004	Junji Noguchi	XA-10063	3353
181	7590	01/25/2006	EXAMINER	
MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			FENTY, JESSE A	
			ART UNIT	PAPER NUMBER
			2815	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/807,222

Applicant(s)

NOGUCHI ET AL.

Examiner

Jesse A. Fenty

Art Unit

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 22-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/24/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Group I, claims 1-21 in the reply filed on 11/03/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 22-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/03/05.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 2003/0008493 A1).

In re claim 17, Lee (e.g., Fig. 2J) discloses a semiconductor device, comprising:  
a semiconductor substrate (200);

a first insulating film (210) formed over said semiconductor substrate;  
a wiring (240 having a first conductive film containing copper as a primary component, and embedded in said wiring opening;  
a second insulating film (260) formed over said wiring and said first insulating film; and  
a third insulating film (270) formed over said second insulating film.

The limitations, “having a function ... copper” and “having a function ... stress” are recitations of the intended use of the device. Terms that simply set forth the intended use, a property inherent in or a function, do not differentiate the claimed composition of these elements from those known to prior art.

In re claims 18 and 19, Lee discloses the device of claim 17. The limitation, “wherein ... functions ... film” and “... generating ...” are intended use language that does not further define the structure of the invention from the structure of the prior art. As claimed, the prior art structure reads on the claimed structure. Therefore, the prior art structure will inherently function in the same manner as the claimed structure.

In re claim 20, Lee discloses the device of claim 17, wherein said second insulating film is SiCN (Lee, section [0021]).

In re claim 21, Lee discloses the device of claim 17, wherein said third insulating film is made of silicon carbide (Lee, section [0022]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 2003/0008493 A1) in view of Ko (US 2004/0067658 A1)

In re claims 1, 13 and 15, Lee (e.g., Fig. 2J) discloses a semiconductor device, comprising:

- a semiconductor substrate (200);
- a first insulating film (210) formed over said semiconductor substrate;
- a wiring (240 having a first conductive film containing copper as a primary component, and embedded in said wiring opening;
- a first barrier insulating film (260) formed over said wiring and said first insulating film;
- a second barrier insulating film (270) formed over said first barrier insulating film;
- wherein a barrier property of said first barrier insulating film to copper is larger than that of said second barrier insulating film to the copper, and

Lee does not expressly disclose the second insulating film (280) formed on said second barrier insulating film having a lower dielectric constant than that of an oxide silicon film. Ko et al. (e.g., Fig. 1F) discloses a second insulating film (34) atop two barrier layers having a lower dielectric constant than that of a silicon oxide film. It would

have been obvious for one skilled in the art at the time of the invention to use a low-k dielectric layer as disclosed by Ko for the device of Lee for the purpose, for example, of enabling smaller device size and higher density of semiconductor devices on a substrate (Ko; section [0003]).

The adhesiveness between said second barrier insulating film and said second insulating film is larger than that between said first barrier insulating film and said second insulating film at the time when said second insulating film is formed over said first barrier insulating film.

In re claim 2, Lee in view of Ko discloses the device of claim 1, wherein the thickness of said first barrier insulating film (Lee, section [0021]) is thicker than that of said second barrier insulating film (Lee, section [0022]).

In re claim 3, Lee in view of Ko discloses the device of claim 1, wherein the thickness of said first barrier insulating film is 40nm (400 angstroms) or less (Lee, section 0021)).

In re claim 4, Lee in view of Ko discloses the device of claim 1. The limitation, "formed by a coating or CVD method" refers to the process for making this product and does not further define the claimed structure, therefore is not given patentable weight.

In re claim 5, Lee in view of Ko discloses the device of claim 1, wherein said wiring has a barrier conductive film (230) formed on a bottom surface and a side surface of said wiring opening, and said first conductive film formed over said barrier conductive film.

In re claim 6, Lee in view of Ko discloses the device of claim 1, wherein said first barrier insulating film is made of SiCN (Lee, section [0021]).

In re claim 7, Lee in view of Ko discloses the device of claim 1, wherein said second barrier insulating film is made of silicon carbide (Lee, section [0022]).

In re claim 8, Lee in view of Ko discloses the device of claim 1, wherein said second insulating film is made of a material containing SiCO (Ko; section [0025]).

In re claim 10, Lee in view of Ko discloses the device of claim. The limitation, "is nitrided" refers to the process for making this product and does not further define the claimed structure, therefore is not given patentable weight.

In re claim 11, Lee in view of Ko discloses the device of claim 1, wherein a third insulating film (28, Ko) is formed between said first insulating film (26, Ko) and said first barrier insulating film (30, Ko).

In re claim 12, Lee in view of Ko discloses the device of claim 11, comprising many insulating and barrier films but does not expressly disclose a fourth insulating film formed between said first and third insulating films. It would have been obvious for one skilled in the art at the time of the invention to use a fourth insulating or barrier layer between the first and third insulating films for the purpose, for example, of providing greater support within the semiconductive device, providing an etch stop, or diffusion barrier as is well known in the art.

In re claim 14, Lee in view of Ko discloses the device of claim 13, wherein said fourth (top) insulating film (34) comprises SiCO (Ko; section [0025]).

In re claim 15, Lee in view of Ko does not expressly disclose the nitrogen content in said barrier insulating film being greater towards the bottom of the film than that of the higher. It would have been obvious to one skilled in the art at the time of the invention to form the claimed structure, because one of ordinary skill in this art is aware that the nitrogen will inherently settle to the bottom of the layer during and after thermal processing, as is known in the art.

In re claim 16, Lee in view of Ko discloses the device of claim 13, wherein said fourth (top) insulating film (34) comprises SiCO (Ko; section [0025]).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Ko as applied to claim 1 above, and further in view of Hironaga et al. (US 2003/0173671 A1).

In re claim 9, Lee in view of Ko discloses the device of claim 1, but does not expressly disclose a copper compound film formed over a surface of the wiring. Hironaga (esp. Fig. 3) discloses a copper compound film (34a) atop wiring layer (26a). It would have been obvious for one skilled in the art at the time of the invention to use a copper silicide layer as disclosed by Hironaga atop the copper wiring layer of Lee/Ko for the purpose, for example, of enhancing the conductivity of the wiring line.

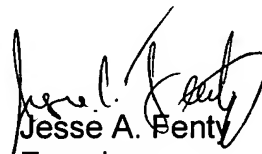


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse A. Fenty whose telephone number is 571-272-1729. The examiner can normally be reached on 5/4-9 1st Fri. Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jesse A. Fenty  
Examiner  
Art Unit 2815